

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

MOREHOUSE ENTERPRISES, LLC )  
d/b/a BRIDGE CITY ORDNANCE, GUN )  
OWNERS OF AMERICA, INC., )  
and GUN OWNERS FOUNDATION, )

Plaintiffs, )

v. )

BUREAU OF ALCOHOL, TOBACCO, )  
FIREARMS AND EXPLOSIVES; UNITED )  
STATES DEPARTMENT OF JUSTICE; )  
STEVEN M. DETTELBAACH in his official )  
capacity as THE DIRECTOR OF ATF, and HANS )  
HUMMEL, in his official capacity as )  
THE DIRECTOR OF INDUSTRY OPERATIONS )  
FOR THE SAINT PAUL FIELD DIVISION OF )  
THE ATF, )

Defendants. )

Case No. 3:23-cv-00129-PDW-ARS

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**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY**

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Plaintiffs write to notify the Court of a recent decision from the United States District Court for the Northern District of Texas. In *Mock v. Garland*, Civil Action No. 4:23-cv-00095-O, 2023 U.S. Dist. LEXIS 178809 (N.D. Tex. Oct. 2, 2023) (attached), Judge O'Connor preliminarily enjoined the Bureau of Alcohol, Tobacco, Firearms and Explosives' from enforcing its Final Rule entitled "Factoring Criteria for Firearms with Attached 'Stabilizing Braces,'" 88 Fed. Reg. 6,478 (Jan. 31, 2023). This Rule applied the National Firearms Act's registration and taxation requirement of short barreled rifles to pistols with stabilizing braces attached.

Of importance, Judge O'Connor found that the "history interwoven with the 'right of the people to keep and bear Arms, U.S. CONST. AMEND. II, indicates that the Second Amendment's

text has long incorporated the right of personal gunsmithing, i.e., the right of private individuals to modify or acquire modifications to lawfully bearable firearms so as to increase their accuracy and safety for a more effective exercise of self-defense.” Slip Op. at 21. In support of that conclusion, Judge O’Connor cited to a historical analysis for the proposition that, “in order ‘[t]o sustain themselves against a large and well-supplied British military throughout the [Revolutionary] war, the Americans relied on gunsmiths, individuals with knowhow from working on their own arms, and Americans who were willing to learn the art of arms manufacturing.’ Joseph G.S. Greenlee, *The American Tradition of Self-Made Arms*, 54 ST. MARY’S L.J. 35, 51 (Apr. 11, 2022) (emphasis added).” *Id.*

These conclusions support Plaintiffs’ arguments in their Memorandum in Support for their motion for Preliminary and/or Permanent Injunction (ECF #15-1) that the Second Amendment protects a right to “manufacture, acquire, and sell firearms...” (Memorandum at p.16); that the text of the Second Amendment covers manufacturing firearms (Memorandum at pp. 17-18); and that our Founders’ “especially recognized the necessity of the domestic manufacture and supply of arms...” *Id.* at p. 21.

Respectfully submitted, this the 5th of October, 2023.

/s/ Stephen D. Stamboulieh

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**CERTIFICATE OF SERVICE**

I Stephen D. Stamboulieh, hereby certify that I have on this day, caused the foregoing document or pleading to be filed with the Court's CM/ECF system, which generated a notice of electronic filing and delivered a true and correct copy of the foregoing to all counsel of record.

Dated: October 5, 2023.

/s/ Stephen D. Stamboulieh  
Stephen D. Stamboulieh